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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/337,181	06/21/1999	YUHICHI NAKAMURA	JA998-075	8654

7590 08/24/2004

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EXAMINER
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DINH, KHANH Q

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/337,181	<b>Applicant(s)</b> NAKAMURA ET AL.	
	<b>Examiner</b> Khanh Dinh	<b>Art Unit</b> 2151	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/20/2004 has been entered.

2. Claims 1-20 are presented for examination.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

*This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).*

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4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over West et al.(hereafter West), US pat. No.6,081,508 in view of Blakeley et al. (hereafter Blakeley), US pat. No.5,563,878.

As to claim 1, West discloses a method for multicasting a retrieval request message to more than one of a plurality of mobile agents (remote computers 100 fig.4 which can be mobile lap top computers, see col.1 lines 6-20 and col.4 lines 56-65) comprising the steps of:

receiving a packet (remote computer establishing a connection to Internet to management server 334 fig.4) comprising a retrieval request message and preferential destination for said retrieval request as designated by a user (i.e., local computer 100 fig. 4 can be used as mobile agent, see col.1 lines 22-6) (i.e., using Access to retrieve user-specific information from a local database, see col.12 line 24 to col.13 line 30),

dynamically creating a list of destinations (user can choose from a "pull down" list of names, pressing a "more" button to view information related to the connection paths and providing a list of connection paths to Automation server sorted by increasing cost, see col.12 lines 33-65) that can respond to said retrieval request, said list comprising more than one of said plurality of mobile request handling agent (local computer 110 fig. 1) to whom said message is to be sent, by referring to said retrieval request and sending said list to the mobile handling agent as determined as destinations for responding to said request (an user delivering a message with a set of characteristics that are used to determine which users should receive the message, see figs.4, 5 and 8, abstract, col.13 lines 4-51 and col.24 lines 4-47).

West further teaches that the computer system can be used for additional mobile users (mobile workers, see col.1 lines 22-65) or pluralities or plurality of users in response to said retrieval request (1805a, 1805b, 1805c of fig.20) (i.e., startup of operation of a delivery system of delivery users, see figs. 19, 20, co1.25 line 58 to co1.28 line 7 and co1.29 line 9 to co1.30 line 57).

West does not specifically disclose a non-address destination information in the message. West does suggest other type of paths can also be used in West's invention (see West's col.31 lines 21-33). However, Blakeley discloses using a non-address destination information in the message [i.e., using a non-address field (AgentParm) is included in the NAPS element to assist in both routing and processing of the message, see abstract, fig.6, col.11 lines 8-46 and col.12 line 13 to col.14 line 42]. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Blakeley's teachings into the computer system of West to enhance routing flexible types of messages in a communication networks because it would have ensured the forwarding of a message to the appropriate destination even the original station does not know the address of the ultimate destination and allowed users to specify significant variables in the route editing facility (see Blakeley's col.2 lines 43-56 and col.14 lines 32-42).

As to claim 2, West discloses using priority messaging policy data defining priorities of agents to which said message can be sent with different types (i.e., using a distributed security policy based on levels of rings, levels or trust to delivery multicast messages,

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see fig. 18, abstract, co1.24 line 48 to co1.26 line 37 and co1.27 line 25 to col.28 line 65).

As to claim 3, West discloses said massaging data in defined for each type of message (i.e., using a distributed security policy based on levels of rings, levels or trust to delivery multicast messages, see fig. 18, abstract, co1.24 line 48 to co1.26 line 37 and co1.27 line 25 to col.28 line 65).

As to claim 4, West further discloses messaging policy data defines the number of agents, which receive the message for each type of message (i.e., defining access points, see co1.5 line 17 to co1.6 line 58 and co1.7 line 13 to co1.8 line 56).

As to claim 5, West discloses using priorities of agents defined in said messaging policy data and pairs of agent names and priorities included in said preferential destination information to determine destination agents from an agent having highest priority (i.e., distributing security based on levels, rings or trust, see fig.6, co1.10 line 55 to col.11 line 65, col.17 lines 10-53 and col.25 line 3 to co1.26 line 65).

As to claim 6, West discloses sending information concerning agents which are not determined as destination agents and said message to a representative agent which represents agents to which said message can be sent (an user delivering a message

with a set of characteristics that are used to determine which users should receive the message (see col.17 line 10 to co1.19 line 21 and col.24 lines 4-47).

As to claim 7, West discloses sending information concerning agents which are not determined as destination agents and said message to a representative agent which represents agents to which said message can be sent (an user delivering a message with a set of characteristics that are used to determine which users should receive the message (see col.17 line 10 to co1.19 line 21 and col.24 lines 4-47).

As to claim 8, West discloses a representative agent (sync handler 1830 fig.3 for accepting and determining where to send the message) generating a response message for a source agent of a message, by referring to information from pre-registered agents to which said message can be sent (see figs.6 and 18, co1.17 lines 10-53 and col.25 line 3 to co1.26 line 65).

As to claim 9, West discloses a representative agent (sync handler 1830 fig.3 for accepting and determining where to send the message) generates a response message for a source agent of a message, by referring to information from pre-registered agents to which said message can be sent (see figs.6 and 18, co1.10 line 55 to col.11 line 65, co1.17 lines 10-53 and co1.25 line 3 to col.26 line 65).

As to claim 10, West further discloses a computer comprising:



an execution environment for a mobile request handling agents (local computer 110 fig.4 can be used as a mobile worker, see col.1 lines 22-65 and col.25 line 3 to col. 26 line 65).

dynamically creating a list of destinations (connection paths) that can respond to said retrieval request (remote computer establishing a connection to Internet to management server 334 fig.4) (user can choose from a "pull down" list of names, pressing a "more" button to view information related to the connections and providing a list of connection paths to Automation server sorted by increasing cost, see col.12 lines 33-65), a message monitor (334 fig.4) for receiving a packet comprising a retrieval request message and preferential destination information designated by a user (100 fig. 1) (i.e., using Access 550 to retrieve user-specific information from a local database, see col.12 line 24 to col.13 line 30), from an agent being active in the execution environment, determining to which mobile agents (i.e., 110 fig. 1 can be used as mobile worker, see col.1 lines 22-6) a message is to be sent, by referring to said retrieval request and preferential destination information and then sending said message to the agents determined as destinations an user delivering a message with a set of characteristics that are used to determine which users should receive the message, see figs.4, 5 and 8, abstract, col.13 lines 4-51 and col.24 lines 4-47).

West further teaches that the computer system can be used for additional users or pluralities or plurality of mobile users (mobile workers, see col.1 lines 22-65) in response to said retrieval request (1805a, 1805b, 1805c of fig.20) (i.e., startup of

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operation of a delivery system of delivery users, see figs. 19, 20, co1.25 line 58 to co1.28 line 7 and co1.29 line 9 to co1.30 line 57).

West does not specifically disclose a non-address destination information in the message. West does suggest other type of paths can also be used in West's invention (see West's col.31 lines 21-33). However, Blakeley discloses using a non-address destination information in the message [i.e., using a non-address field (AgentParm) is included in the NAPS element to assist in both routing and processing of the message, see abstract, fig.6, col.11 lines 8-46 and col.12 line 13 to col.14 line 42]. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Blakeley's teachings into the computer system of West to process a plurality of different packet communication networks because it would have ensured the forwarding of message to the appropriate destination even the original station does not know the address of the ultimate destination and allowed users to specify significant variables in the route editing facility (see Blakeley's col.2 lines 23-56).

As to claim 11, West discloses using priority messaging policy data defining priorities of agents to which said message can be sent with different types (i.e., using a distributed security policy based on levels of rings, levels or trust to delivery multicast messages, see fig. 18, abstract, co1.24 line 48 to co1.26 line 37 and co1.27 line 25 to col.28 line 65).

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As to claim 12, West discloses using priorities of agents defined in said messaging policy data and pairs of agent names and priorities included in said preferential destination information to determine destination agents from an agent having highest priority (i.e., distributing security based on levels, rings or trust, see fig.6, co1.10 line 55 to col.11 line 65, col.17 lines 10-53 and col.25 line 3 to co1.26 line 65).

As to claim 13, West discloses sending information concerning agents which are not determined as destination agents and said message to a representative agent which represents agents to which said message can be sent (an user delivering a message with a set of characteristics that are used to determine which users should receive the message (see col.17 line 10 to co1.19 line 21 and col.24 lines 4-47).

As to claim 14, West discloses sending information concerning agents which are not determined as destination agents and said message to a representative agent which represents agents to which said message can be sent (an user delivering a message with a set of characteristics that are used to determine which users should receive the message (see col.17 line 10 to co1.19 line 21 and col.24 lines 4-47).

As to claim 15, West discloses a storage medium for storing a program executable by a machine for causing the machine to perform a retrieval request message to more than one of a plurality of mobile agents (remote computers 100 fig.4 which can be mobile lap

top computers, see col.1 lines 6-20 and col.4 lines 56-65) to more of a mobile request handling agents, comprising the steps of:

receiving a packet (remote computer establishing a connection to Internet to management server 334 fig.4) comprising a retrieval request message and preferential destination for said retrieval request as designated by a user (i.e., local computer 100 fig. 4 can be used as mobile agent, see col.1 lines 22-6) (i.e., using Access to retrieve user-specific information from a local database, see col.12 line 24 to col.13 line 30),

dynamically creating a list of destinations (user can choose from a "pull down" list of names, pressing a "more" button to view information related to the connection paths and providing a list of connection paths to Automation server sorted by increasing cost, see col.12 lines 33-65) that can respond to said retrieval request, said list comprising more than one of said plurality of mobile request handling agent (local computer 110 fig. 1) to whom said message is to be sent, by referring to said retrieval request and sending said list to the mobile handling agent as determined as destinations for responding to said request (an user delivering a message with a set of characteristics that are used to determine which users should receive the message, see figs.4, 5 and 8, abstract, col.13 lines 4-51 and col.24 lines 4-47).

West further teaches that the computer system can be used for additional mobile users (mobile workers, see col.1 lines 22-65) or pluralities or plurality of users in response to said retrieval request (1805a, 1805b, 1805c of fig.20) (i.e., startup of operation of a delivery system of delivery users, see figs. 19, 20, col.25 line 58 to col.28 line 7 and col.29 line 9 to col.30 line 57).

West does not specifically disclose a non-address destination information in the message. West does suggest other type of paths can also be used in West's invention (see West's col.31 lines 21-33). However, Blakeley discloses using a non-address destination information in the message [i.e., using a non-address field (AgentParm) is included in the NAPS element to assist in both routing and processing of the message, see abstract, fig.6, col.11 lines 8-46 and col.12 line 13 to col.14 line 42]. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Blakeley's teachings into the computer system of West to enhance routing flexible types of messages in a communication networks because it would have ensured the forwarding of a message to the appropriate destination even the original station does not know the address of the ultimate destination and allowed users to specify significant variables in the route editing facility (see Blakeley's col.2 lines 43-56 and col.14 lines 32-42).

As to claim 16, West discloses using priorities of agents defined in said messaging policy data and pairs of agent names and priorities included in said preferential destination information to determine destination agents from an agent having highest priority (i.e., distributing security based on levels, rings or trust, see fig.6, co1.10 line 55 to col.11 line 65, col.17 lines 10-53 and col.25 line 3 to co1.26 line 65).

As to claim 17, West discloses sending information concerning agents which are not determined as destination agents and said message to a representative agent which

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represents agents to which said message can be sent (an user delivering a message with a set of characteristics that are used to determine which users should receive the message (see col.17 line 10 to col.19 line 21 and col.24 lines 4-47).

As to claim 18, West discloses sending information concerning agents which are not determined as destination agents and said message to a representative agent which represents agents to which said message can be sent (an user delivering a message with a set of characteristics that are used to determine which users should receive the message (see col.17 line 10 to col.19 line 21 and col.24 lines 4-47).

As to claim 19, West discloses a method for multicasting a message to agents (100 fig.4), comprising:

receiving a retrieval request message (remote computer establishing a connection to Internet to management server 334 fig.4) and preferential destination information designated by a user (i.e., using Access 550 to retrieve user-specific information from a local database, see col.12 line 24 to col.13 line 30).

dynamically creating a list of destinations (connection paths) that can respond said retrieval request (user can choose from a "pull down" list of names, pressing a "more" button to view information related to the connections and providing a list of connection paths to Automation server sorted by increasing cost, see col.12 lines 33-65) for responding to determining to which mobile handling agent said message is to be sent, by referring to a messaging policy data defining priorities of mobile agents (mobile

workers, see col.1 lines 22-65) to which said message can be sent and sending said message to the handling agents determined as destinations for said retrieval request (i.e., using a distributed security policy based on levels of rings, levels or trust to delivery multicast messages, see figs. 1, 3 and 18, abstract, col.4 line 56 to co1.5 line 56, co1.7 line 13 to co1.8 line 60 and col.25 line 3 to co1.26 line 65).

West further teaches that the computer system can be used for additional mobile user or pluralities or plurality of mobile users in response to said retrieval message (1805a, 1805b, 1805c of fig.20) (i.e., startup of operation of a delivery system of delivery users, see figs. 19, 20, col.25 line 58 to co1.28 line 7 and co1.29 line 9 to co1.30 line 57).

West does not specifically disclose a non-address destination information in the message. However, Blakeley discloses using a non-address destination information in the message [i.e., using a non-address field (AgentParm) is included in the NAPS element to assist in both routing and processing of the message, see abstract, fig.6, col.11 lines 8-46 and col.12 line 13 to col.14 line 42]. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Blakeley's teachings into the computer system of West to process a plurality of different packet communication networks because it would have ensured the forwarding of message to the appropriate destination even the original station does not know the address of the ultimate destination and allowed users to specify significant variables in the route editing facility (see Blakeley's col.2 lines 23-56).

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As to claim 20, West discloses a method for multicasting a message to agents (100 fig.3 acts as mobile agent), comprising:

receiving a retrieval request message (remote computer establishing a connection to Internet to management server 334 fig.4) and preferential destination information designated by a user (i.e., using Access to retrieve user-specific information from a local database, see cfig.4, col.12 line 24 to col.13 line 30).

dynamically creating a list of destinations (connection paths) (user can choose from a "pull down" list of names, pressing a "more" button to view information related to the connections and providing a list of connection paths to Automation server sorted by increasing cost, see col.12 lines 33-65) that can respond to said retrieval request determining to which mobile handling agent said message is to be sent, by referring to a messaging policy data defining priorities of mobile agents (mobile workers, see col.1 lines 22-65) to which said message can be sent and sending said message to the handling agents determined as destinations for said retrieval request (i.e., using a distributed security policy based on levels of rings, levels or trust to delivery multicast messages, see figs. 1, 3 and 18, abstract, col.4 line 56 to co1.5 line 56, co1.7 line 13 to co1.8 line 60 and col.25 line 3 to col.26 line 65).

West further teaches that the computer system can be used for additional mobile user or pluralities or plurality of mobile users in response to said retrieval message (1805a, 1805b, 1805c of fig.20) (i.e., startup of operation of a delivery system of delivery users, see figs. 19, 20, col.25 line 58 to co1.28 line 7 and co1.29 line 9 to co1.30 line 57).



West does not specifically disclose a non-address destination information in the message. However, Blakeley discloses using a non-address destination information in the message [i.e., using a non-address field (AgentParm) is included in the NAPS element to assist in both routing and processing of the message, see abstract, fig.6, col.11 lines 8-46 and col.12 line 13 to col.14 line 42]. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Blakeley's teachings into the computer system of West to process a plurality of different packet communication networks because it would have ensured the forwarding of message to the appropriate destination even the original station does not know the address of the ultimate destination and allowed users to specify significant variables in the route editing facility (see Blakeley's col.2 lines 23-56).

***Other prior art cited***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Bare, US pat. No.6,493,318: Load balancing for network load with cost exchanging information.

b. Bare, US pat. No.6,577,600: Cost calculation in load balancing associated with a port of a switch.

c. Brendel, US pat. No.6,587,438: determining an optimal path by using a variety of network packets.

***Response to Arguments***

6. Applicant's arguments filed on 7/20/2004 have been fully considered but they are not persuasive.

- Applicant asserts that the cited reference does not disclose a list of destination list that can respond to retrieval requests.

*Examiner respectfully disagrees. West discloses a list of destinations (connection paths). In addition, user can choose from a "pull down" list of names, pressing a "more" button to view information related to the connections and providing a list of connection paths to Automation server sorted by increasing cost (see col.12 lines 33-65).*

***Conclusion***

7. Claims 1-20 are *rejected*.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (703) 308-8528. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (703) 308-8867. The fax phone number for this group is (703) 872-9306.

*A shortened statutory period for reply is set to expire THREE months from the mailing date of this communication. Failure to respond within the period for response*

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*will cause the application to become abandoned (35 U.S. C . Sect. 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(A).*

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305 -9600.

A handwritten signature in black ink, appearing to read 'Khanh', with a stylized flourish extending from the end.

Khanh Dinh  
Patent Examiner  
Art Unit 2151  
8/20/2004